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10/763,836	01/22/2004	Michael Gauselmann	ATR-A-128	7698

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EXAMINER	
CHEUNG, VICTOR	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,836	GAUSELMANN, MICHAEL	
	Examiner	Art Unit	
	VICTOR CHEUNG	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-17,19-21 and 23-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,9-17,19-21 and 23-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's response has been received 10/08/2008.

Claims 1-6, 9-17, 19-21, and 23-31 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 9-12, 14-17, 19-21, 23-25, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al. (US Patent Application Publication No. 2002/0160828) in view of Cregan et al. (US Patent Application Publication No. 2005/0054420), Visocnik (US Patent Application Publication No. 2004/0048646), and Baerlocher et al. (US Patent No. 6,561,900).

Note that claim 20, below, includes a gaming device comprising a display area for displaying the game, the game displaying an array of symbols, certain combinations of symbols across at least one pay line determining an award to a player, and at least one processor for carrying out the method of claim 1. Similarly, claims 21, 23-24, and 25-30 are related to claims 2, 9-10, and 12-17.

Re Claims 1, 2, 3, 12, 20, 21, 25: Webb et al. disclose a gaming method comprising displaying on a first display of a gaming machine, in a first game, a first array of randomly selected symbols on a first set of virtual reels (Paragraphs 8, 30, 37), the first array including at least one special symbol in

a first position in the first array (Paragraph 41, 45), concurrently displaying on a second display of the gaming machine (Fig. 6), in a second game, a second array of randomly selected symbols on a second set of virtual reels (Paragraphs 8, 40; Webb discloses the secondary games to be the type of symbol generators also, similar to the primary games, including reel type games). Webb et al. additionally disclose moving the at least one special symbol from the first game to a second game wherein the shifted symbol is combinable with the randomly selected symbols in the second game to form winning combinations of symbols, and granting any award to the player for the second game based upon the symbols displayed in the second game including the at least one special symbol (Paragraph 42). Webb et al. further disclose the gaming machine including a plurality of screens (Fig. 1B, Ref. No. 30, 32).

However, Webb et al. do not specifically disclose the first game on a first display screen, the second game on a second display screen, granting any award to the player for the first game based upon combinations of symbols displayed in the first game including the at least one special symbol, and specifically how the shifted symbol is combinable with symbols in an array of randomly selected symbols in the second game.

Cregan et al. teach that a gaming machine having a plurality of display screens (Fig. 1B, Ref. Nos. 16, 18) can use the screens to display primary and secondary games (Paragraph 34).

Visocnik teaches a special symbol shifting positions randomly or in a predetermined manner (as in claims 2, 3, and 21) in an array of randomly selected symbols, combinable with symbols in the arrays to form winning combinations of symbols, for example as a wild symbol (as in claims 12, 25) (Paragraphs 19, 92, 96, 97).

Baerlocher et al. teach that in a primary game including a special position-shifting symbol, the player is granted an award for the primary game based on combinations of symbols in the

primary game including the special symbol (Abstract; Col. 9, Lines 35-40), and that the shifting symbol can shift to other symbols, any location, or anything else (Col. 5, Lines 62-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the secondary screen to display the secondary game, thus providing a dedicated screen to each game. It would have been obvious to grant an award to the player for the first game based upon combinations of symbols displayed in the first game including the at least one special symbol, thus rewarding the player for achieving the outcome in the first game. It would have been obvious to utilize the shifted symbol in combination with the second array of randomly selected symbols on the second set of virtual reels, thereby achieving the predictable result of providing possible award combinations to the player.

Claim 20: Webb et al. disclose a display area for displaying a game, the game displaying an array of symbols, certain combinations of symbols across at least one pay line determining an award to a player, and at least one processor for carrying out the method of claim 1 (Fig. 1; Paragraphs 32, 36).

Re Claims 4, 5: Webb et al. disclose displaying in the first game the first array of randomly selected symbols appearing on a plurality of virtual reel strips (Paragraph 30).

Webb et al. do not specifically disclose the at least one special symbol in a fixed position or in a not-fixed position relative to other symbols on the reel strip.

Visocnik discloses the at least one special symbol can be in a fixed position or in a not-fixed position relative to other symbols on the reel strip (Page 2, Paragraph 13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the special symbol in a fixed position or in a not-fixed position relative to other

symbols on the reel strip, thereby achieving the predictable result of having a fixed, easily computable and displayable fixed position on the reel or the predictable result of having a changing unpredictable position of the special symbol.

Re Claim 6: Webb et al. do not specifically disclose selecting the at least one special symbol to appear in the first array based on a non-random event.

Visocnik discloses selecting the at least one special symbol to appear in the first array based on a non-random event (Paragraph 81).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the at least one special symbol to appear in the first array based on a non-random event, thereby providing a fixed trigger for the special event.

Re Claims 9, 23: Webb et al. disclose a plurality of special symbols (Paragraph 43).

Visocnik also discloses a plurality of special symbols (Paragraph 21).

Re Claims 10, 24: Webb et al. disclose terminating the use of the at least one special symbol after the at least one special symbol is used in a winning combination of symbols (Paragraphs 40, 44).

Re Claim 11: Webb et al. do not specifically disclose terminating the use of the special symbol after a predetermined number of games.

Visocnik discloses terminating the use of the at least one special symbol after a predetermined number of games (Paragraph 97).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to terminate the use of the at least one special symbol after a predetermined number of games, thereby achieving the predictable result of limiting the use of the special symbol.

Re Claims 14, 27: Webb et al. do not specifically disclose the at least one special symbol having a multiplier function.

Visocnik discloses the at least one special symbol having a multiplier function (Paragraph 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to give the at least one special symbol a multiplier function, thereby providing the player with enhanced payouts.

Re Claims 15, 28: Webb et al. disclose the special symbol triggering a bonus game (Paragraphs 36, 44).

Re Claims 16, 29: Webb et al. disclose a 5x3 array (Fig. 1B).

Re Claims 17, 30: Webb et al. disclose granting an award based on combinations of symbols across one or more pay lines in the first game (Paragraph 36). Webb et al. additionally disclose that the second game is a symbol generated game similar to the first game (Paragraph 40).

Therefore Webb et al. disclose granting the award based on combinations of symbols across pay lines in the second game.

Re Claim 19: Webb et al. disclose new special symbols generated in one or more additional games and shifted in position during subsequent games (Paragraphs 42-44).

However, Webb et al. do not specifically disclose the special symbols randomly shifted.

Visocnik discloses a special symbol shifting positions randomly or in a predetermined manner (Paragraph 97).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the special symbols shifted randomly, thereby providing an exciting game that is unpredictable by the player.

Re Claim 31: Webb et al. disclose that the at least one special symbol is selected at random to be included in the first array (Paragraph 41).

4. Claims 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al., Cregan et al., Visocnik, and Baerlocher, as applied to claims 1 and 20 above, and further in view of Marnell, II et al. (US Patent No. 5,332,219).

Webb et al., as modified by Visocnik, do not specifically teach the at least one special symbol being a high value symbol.

Marnell, II et al. teach that special symbols in reel type games are worth more than other symbols on the reel (Col. 1, Lines 32-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the at least one special symbol be a high value symbol, providing the player an increased payout for receiving the special symbol.

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 20 have been considered but are moot in view of the new grounds of rejection.

The Applicant additionally argues that Webb does not disclose that the secondary game is a reel-type game including virtual reels. However, Webb discloses, in paragraph 40, that the secondary game "could be a type of symbol generator in and of itself," wherein a symbol generator is described in paragraph 8 to include reel displays. Webb thus discloses that both primary and secondary games are reel-type games including randomly selected symbols, wherein at least one symbol is shifted from the primary game to the secondary game. Visocnik then further adds that shifting symbols in a reel-type game can serve the function of combining with the reel symbols to form winning combinations.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR CHEUNG whose telephone number is (571)270-1349. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/V. C./
Examiner, Art Unit 3714